

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON APRIL 1, 2003

**Board Members Present:**

***John F. Coates, Chairman***  
***Steven L. Walker, Vice-Chairman***  
William C. Chase, Jr.  
Sue D. Hansohn  
James C. Lee  
Brad C. Rosenberger  
Carolyn S. Smith

**Staff Present:**

Frank T. Bossio, County Administrator  
Valerie H. Lamb, Finance Director  
John C. Egertson, Planning Director  
Paul Howard, Director of Environmental Services  
Peggy S. Crane, Deputy Clerk

**CALL TO ORDER**

Mr. Coates, Chairman, called the meeting to order at 10:00 a.m.

**INVOCATION**

Rev. Joe Agee, Pastor, Culpeper Christian Assembly, presented the invocation.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Mrs. Hansohn led the members of the Board and audience in the Pledge of Allegiance to the Flag.

**RE: AGENDA - ADDITIONS AND/OR DELETIONS**

Mr. Bossio asked that the following additions be made to the agenda:

**CONSENT AGENDA:**

***Delete: Item c.***

***Add: Item k.*** The Board will consider a request from the Sheriff's Office for approval to submit a grant application to the Federal government, Office of Justice Programs, State Homeland Security Grant Program, in the amount of \$100,000. No local match required.

***Add: Item l.*** The Board will consider approval of License Agreement between the Board and Ashland Farms.

**GENERAL COUNTY BUSINESS**

***Add: Item 8-A, RE: DISCUSSION OF POSSIBLE NEW REVENUE SHARING PROJECTS.***

**ADMINISTRATOR'S REPORT**

***Add:*** 1. Budget Work session scheduled for Thursday, April 3<sup>rd</sup>, starting at 1:00

p.m.

**CLOSED SESSION**

**Add #7.** Under Virginia Code §2.2-3711(A)(7), to consult with the County Attorney regarding potential new federal regulations that will impact the County and which related issues require legal advice.

Mr. Walker moved, seconded by Mr. Lee, to amend the agenda accordingly.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

**RE: MINUTES**

The minutes of the March 4, 2003 regular meetings were presented to the Board for approval.

Mr. Bossio indicated there was a typographical error on page 12 and that the vote on the motion should read "Motion carried 7 to 0".

Mrs. Hansohn moved, seconded by Mr. Walker, to approve the minutes as amended.

**CONSENT AGENDA**

Mr. Bossio reviewed the following Consent Agenda items with the Board:

- a. The Board will consider a request from the Department of Parks & Recreation for approval to submit a grant application to the Virginia Outdoor Fund in the amount of \$500,000. (State \$250,000, local match \$250,000);
- b. The Board will consider approving a resolution appointing Robert M. Hornung as Deputy Animal Control Officer;
- c. ~~The Board will consider approving a budget amendment for the Sheriff's Office for an anonymous donation received in the amount of \$2,000 for a Special Response Team for overcrowding in the Jail;~~
- d. The Board will consider approving acceptance of a grant for the Department of Emergency Services, Sheriff's Office, Culpeper Fire & Rescue Association, and the Culpeper Town Police Department from the 1999 Department of Justice funds in the amount of \$40,988.09. No local match required;
- e. The Board will consider approving a request from the Sheriff's Office to submit a grant application to the Division of Motor Vehicles in the amount of \$40,000. No local match required;
- f. The Board will consider approving a budget amendment for the School System for

additional State revenue received for the Culpeper Juvenile Detention Home in the amount of \$245,225;

g. The Board will consider formally authorizing a request previously submitted to the Department of Aviation for funding for design services at the Culpeper Regional Airport in the amount of \$33,333.00;

h. The Board will consider a proclamation declaring April 27 through May 3, 2003 as Municipal Clerks Week;

i. The Board will consider a request from the Virginia Department of Transportation to accept the following roads in the South Wales Subdivision into the State Secondary Road System: Fox Hatch Place, Tattershall Way, Stoneleigh Place, Bournebrooke Lane, Paddington Court and Somerset Drive (from Rt. 621 to portion already in State System);

j. The Board will consider a request from the Virginia Department of Transportation to accept the following roads in the Quail Ridge Subdivision into the State Secondary Road System: Covey Circle, Pheasant Court, Hunters Trail Drive, Running Quail Trail, and Grouse Court.

***k. The Board will consider a request from the Sheriff's Office for approval to submit a grant application to the Federal government, Office of Justice Programs, State Homeland Security Grant Program, in the amount of \$100,000. No local match required.***

***l. The Board will consider approval of License Agreement between the Board and Ashland Farms.***

Mr. Walker moved, seconded by Mrs. Smith, to approve the Consent Agenda as amended.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

### **SPECIAL PRESENTATION**

Mr. John Barrett, County Director of Parks and Recreation, introduced Ms. Barbara Phelps, President, Area Soccer Association; and Mr. Charlie Barrell, President, Culpeper Recreation Foundation, and asked them to come forward.

Ms. Phelps was accompanied by officers of the Association, Ms. Ann Hagan, Secretary, and Ms. Dava O'Connell, Treasurer. They presented a check for \$15,000 to Mr. Barrell to be used in constructing the Culpeper Community Complex. She explained the need for soccer fields, as well as fields for others sports, and challenged citizens,

organizations and companies in the County to join in raising funds for this endeavor. She specifically thanked the Board of Supervisors for its support.

Mr. Barrell stated that the Soccer Association's contribution was an example of the fundraising being done by the youth and noted that this was the type of citizen participation envisioned at the time the bond issue was passed. He briefed the Board on recent activities of the Recreation Foundation and reported that they had been meeting every two to three weeks since October 2002 to keep the project on track. He said that most of the grading would be broken into smaller sections because having one contractor do most of the grading had not been worked out. He reported that signs identifying the project had been erected on Route 666 and Route 29. He commended John Barrett, Parks & Recreation Director, for locating and applying for grant funds and stated that the Board should be proud of his efforts also.

Mr. Chase expressed his appreciation to the Soccer Association representatives for their contribution.

On behalf of the Board, Mr. Coates thanked both Mr. Barrell for his work with the Recreation Foundation and the officers of the Soccer Association for their gift.

Mr. Rosenberger stated that he concurred with Mr. Coates' comments and commended the Soccer Association. He noted that this type of cooperation was indicative of what had made the community great, and he was very proud of them.

No action was required.

At Mr. Coates' request, Mr. Bossio read the following resolutions into the record:

**BOARD OF SUPERVISORS OF CULPEPER COUNTY, VIRGINIA  
RESOLUTION APPOINTING ROBERT M. HORNUNG  
AS DEPUTY ANIMAL CONTROL OFFICER PURSUANT TO  
VIRGINIA CODE §3.1-796.104 AND CULPEPER COUNTY CODE §4-2**

**WHEREAS**, the Board of Supervisors of Culpeper County is required to appoint an animal control officer and may appoint deputy animal control officers pursuant to Virginia Code §3.1-796.104 and Culpeper County Code §4-2; and,

**WHEREAS**, the Board believes its responsibility is to appoint persons to the office of Deputy Animal Control Officer since such persons are required to meet the needs of the citizens of Culpeper County for animal-related services; and,

**WHEREAS**, the Director of Animal Services has temporarily hired Robert M. Hornung as a Deputy Animal Control Officer, subject to appointment by the Board.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that Robert M. Hornung is hereby appointed to the office of Deputy Animal Control Officer pursuant to Virginia Code §3.1-796.104 and Culpeper County Code §4-2.

DONE this 1<sup>st</sup> day of April, 2003.

Witness this signature and seal:

BOARD OF SUPERVISORS OF CULPEPER  
COUNTY, VIRGINIA(SEAL)

By: /s/ John F. Coates (SEAL)  
John F. Coates, Chairman

Voting Aye:

William C. Chase, Jr., Stevensburg District  
Sue D. Hansohn, Catalpa District  
James C. Lee, Cedar Mountain District  
Brad C. Rosenberger, Jefferson District  
Carolyn S. Smith, West Fairfax District  
Steven L. Walker, East Fairfax District

**PROCLAMATION DECLARING  
MUNICIPAL CLERKS WEEK  
APRIL 27 THROUGH MAY 3, 2003**

**WHEREAS**, the Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

**WHEREAS**, the Office of the Municipal Clerk is the oldest among public servants; and

**WHEREAS**, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

**WHEREAS**, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality rendering equal service to all;

**WHEREAS**, the Municipal Clerk serves as the information center on functions of local government and community;

**WHEREAS**, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshop and the annual meetings of their state, province, county and international professional organizations.

**WHEREAS**, it is most appropriate that we recognize the accomplishment of the Office of the Municipal Clerk;

**NOW, THEREFORE**, the Culpeper County Board of Supervisors, hereby recognize the week of April 27 through May 3, 2003 as Municipal Clerks Week, and further extend appreciation to our Deputy Clerk, Peggy S. Crane, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

**DONE**, this 1<sup>st</sup> day of April of 2003.

/s/ John F. Coates  
John F. Coates, Chairman  
Board of Supervisors

**GENERAL COUNTY BUSINESS**

**RE: INTRODUCTION OF NEW EMPLOYEE**

Mrs. Jamie Bennett, Director of Animal Services, introduced Robert M. Hornung, the new Animal Control Officer. Mr. Coates welcomed Mr. Hornung to the community and County staff.

**RE: CERTIFICATE OF RECOGNITION**

Mr. Coates stated it was an honor to recognize Valerie Lamb, County Finance Director; Lauren Willis, County Accounting Manager; Steve Southard, Treasurer; Terry

Yowell, Commissioner of the Revenue; and Jeff Shomo, Finance Director, School Board. He asked them to come forward for the presentation.

Mr. Bossio read the following Certificate of Recognition into the record:

***CERTIFICATE OF RECOGNITION***

***Presented to***

***County of Culpeper, Virginia***

***for***

**Early Implementation of GASB 34**

The implementation of Statement 34 results in better financial information to a government's taxpayers, governing board, and other financial statement users. Early implementation of Statement 34 is a testament to your professional leadership, initiative, and commitment to improving public accountability.

Fiscal Year Ended 6/30/02

/s/ John Allen  
GASB Chairman

Mr. Coates congratulated the recipients and commended them for working together to achieve this recognition.

**RE: PRESCRIPTION DRUG PROGRAM**

Mr. Chip Coleman, Director of Social Services, introduced Ms. Roberta Brown, Director of the Free Clinic, and Ms. Susan Andrick, Patient Assistance Prescription Drug Coordinator.

Ms. Andrick reported that the Program had provided a total retail value of \$46,000 in March, over \$126,000 in the first three months of 2003, and a grand total retail value to date of \$359,000 delivered to the indigent people in Culpeper. She stated that the program filled a large need in the County and had reached out not only to Medicare patients, but to many people who had no insurance. She said that the doctors had been doing an excellent job in referring needy patients, and her biggest hurdle at the present time was in obtaining the necessary information from patients, such as proof of income.

Ms. Brown briefed the Board on the importance of the partnership between the Free Clinic and DSS. She said that many of the patients were already in the Free Clinic, and they had been able to obtain medication for a few women who had never worked and were not eligible for Medicare. She noted that in a year's time, the PAP Program would have delivered over \$500,000 in medications at an approximate cost of \$40,000.

Mrs. Hansohn inquired whether the prescription drug program covered only those 65 years and older. Ms. Andrick agreed that was the original age group served because of the limited budget, but the program had been expanded to cover patients as young as 40 years of age who had no insurance and met the income guidelines.

Mrs. Hansohn asked Ms. Andrick to tell the audience how and where they could

obtain information about the program. Ms. Andrick replied that interested individuals should start with their local doctors. She said patients with out-of-town doctors could receive assistance, but the process was more difficult. She pointed out that local doctors were familiar with the program and had been extremely cooperative. She said that once the doctor referred a patient, she sends the patient an application with instructions to return it promptly with the required information.

Mrs. Hansohn inquired about the hours and location of the Free Clinic. Ms. Brown stated that the Clinic was located at 610 Laurel Street and was open to see patients on Tuesday mornings, 8:00–9:30, and Thursday evenings, 5:00–6:30. She said the Clinic was open during office hours from 9:00 a.m. to 5:00 p.m. Ms. Andrick stated that she was there Monday through Thursday, but her patient contact hours were limited due to the volume of paperwork.

Mr. Walker asked for a brief explanation of how the program operated.

Ms. Andrick stated that once a patient had been referred by a doctor, she sends the application and asks the patient to complete and return it with the required information, such as poof of income. She noted that a list of the patient's medications was sent to her with the referral from the doctor's office, and that provides an indication of what companies she should contact. After the patient has completed the application and returned it with the required information, she stated that she assembled it with everything required and forwarded it to the doctor for signature and the written prescriptions. She said she then picks the forms up from the doctor, organizes and copies them, makes notations on the chart and forwards them to the pharmaceutical company for a final decision.

Mr. Walker inquired whether the pharmaceutical companies offered the program to individuals of a certain age or income. Ms. Andrick replied that the program was all income-level based. She added that the majority of the pharmaceutical companies donated 90 days' worth of medicine at no charge to the patient or with a minimum co-payment.

On behalf of the Board, Mr. Coates thanked both the Social Services Department and the Free Clinic for the good work they were doing.

No action was taken.

**RE: CONSIDERATION OF DATE FOR APPROVAL OF PUBLIC HEARING ON BUDGET AND TAX RATES**

Mr. Bossio stated that the Board has suggested at its last meeting to hold a public hearings on the budget and the tax rate on April 15<sup>th</sup>, and a meeting on April 29<sup>th</sup> to adopt the budget. He pointed out that the Board had scheduled a work session for April 3<sup>rd</sup> to

review the School Board's request totaling approximately \$5.4 million, which had been presented at the Board's March 25<sup>th</sup> work session. He stated that in order to advertise, a tax rate had to be determined for inclusion in the formal advertising. He said that with the increase in assessments, the final numbers exceeded last year's total in assessed value by an average of 33 percent, and the lowered rate necessary to offset the increased assessment was 69 cents per \$100 of assessed value. He pointed out that since the Board had not had time to fully consider the School Board's budget, the tax rate had been left at 92 cents.

Mrs. Hansohn asked whether a final number had been determined for insurance costs. Valerie Lamb, Finance Director, informed her that a meeting had been scheduled with the consultants for April 7<sup>th</sup>, at which time they would provide information from the carrier on the total overall increase for next fiscal year. She stated that a 20 percent increase had been factored into the budget until a final figure became available. Mr. Bossio stated that he had been told it would be a 37.5 percent increase, and the School Board had factored that figure into its budget.

Mrs. Hansohn asked if that was one of the reasons why 92 cents was being used for public hearing purposes. Mr. Bossio stated that was one of the reasons, but another reason was to consider future debt issues. He said that the Board would be briefed at its work session regarding ways to ameliorate the effects of a large tax increase that might be needed for building new schools, the Emergency Operations Center, and other infrastructure over the coming years. He pointed out that the Board could vote a lower tax rate, but could not go over 92 cents.

Mr. Chase asked for clarification on the public hearing date. Mr. Bossio stated the public hearing would be April 15<sup>th</sup>, at 7:00 p.m for the budget and 8:00 p.m. for tax rate. He said that the budget would be adopted on April 29<sup>th</sup>, with the appropriation of the budget being made in May.

Mrs. Hansohn asked if the 29<sup>th</sup> date could be changed if the Board was not ready. Mr. Bossio asked for the County Attorney's opinion since May 1<sup>st</sup> was the deadline for appropriating the School's budget. Mr. Maddox stated he would defer replying until the afternoon session to ensure that he provided the correct information.

Mr. Rosenberger stated that the Board could do a partial appropriation if the budget was not ready to go forward.

Mr. Lee moved, seconded by Mr. Chase, to advertise the tax rate at 92 cents and set the public hearing for Tuesday, April 15<sup>th</sup>, at 7:00 p.m.



Mrs. Smith stated she could agree on the date for the public hearing, but she could not support the level of tax increase to be advertised. She felt it would be irresponsible to raise the tax rate after the large increase in current reassessments.

Mr. Chase stated he did not have a problem with advertising since the Board was not actually setting the tax rate.

Mr. Rosenberger stated that by law there must be a two-week advertisement in order to hold a public hearing. Mr. Bossio agreed and stated that the hearing must be advertised by April 2<sup>nd</sup>.

Mr. Rosenberger expressed his concern regarding the April 15<sup>th</sup> hearing because of the income tax deadline, which might preclude participation.

There was general discussion among the Board regarding different dates. Mr. Bossio pointed out that there was a seven-day deadline to consider between the public hearing and adoption of the budget. Mr. Maddox agreed.

Mr. Lee amended his motion to hold the public hearing on April 22<sup>nd</sup>, at 7:00 p.m.

Mr. Rosenberger pointed out that should the Board not come to a resolution on the 29<sup>th</sup>, that would allow only one additional day to act.

Mrs. Hansohn suggested Thursday, April 17<sup>th</sup>.

Mr. Coates stated he could not support the amended motion on the floor and asked Mr. Chase if he agreed to the amendment. Mr. Chase stated that he did not.

Mr. Lee amended his motion to schedule the public hearings on April 17<sup>th</sup>, at 7:00 p.m. and 8:00 p.m. Mr. Chase agreed with the amended motion.

Mr. Coates asked the Board to consider that April 17<sup>th</sup> was Passover for the Jewish community and Holy Thursday for Christians.

Mrs. Smith pointed out also that schools may be out from Friday through Monday, and people may be leaving town for spring vacation and expressed her concern that the public may not be able to attend.

Mrs. Hansohn agreed with Mrs. Smith, but she felt that people would have to make a decision about whether to come to the public hearing and then leave for their vacation.

Mrs. Hansohn asked for clarification on the two times in the motion and questioned whether one hour would be sufficient to discuss the budget prior to the tax rate hearing. Mr. Bossio explained that the 7:00 p.m. hearing would be for the budget presentation and public hearing on the budget; and a public hearing would be conducted on the tax rates at 8:00 p.m.

Mr. Maddox stated that the statutory requirement was for a separate hearing and

separate notice for both the budget and the tax rates. He said the hearings had been set on one night to make it convenient for the citizens who wished to participate in both. He added that the notice had to be for a separate hearing and it had to be set for a separate time.

Mrs. Smith said that she felt that adequate time had not been allowed for each item. Mr. Maddox pointed out that it was necessary to advertise a distinct time, but it was understood that if the first hearing ran over, the second would start when the first hearing ended.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

Mr. Coates recessed the meeting at 11:00 a.m.

Mr. Coates called the meeting back to order at 11:20 a.m.

### **NEW BUSINESS**

#### **RE: REQUEST FOR CONVEYANCE OF A FAMILY DIVISION**

Mr. John Egertson, Planning Director, informed the Board that Mr. Robert Miller had requested permission from the Board to convey a family division lot that was created in September 1999. He stated that family partitions were required to be held for a five-year period before they could be conveyed. He explained that Mr. Miller now worked out of the area and was commuting long-distance and, under Section 613.9.1 of the Subdivision Ordinance, the Board had the ability to waive that five-year holding period in instances where there was a bonafide economic or financial hardship. He said that in this case, staff felt that the job change and working out of the area would justify a hardship, and he recommended the Board's approval.

Mrs. Robert Miller was present to answer questions.

Mrs. Hansohn moved, seconded by Mr. Walker, to waive the five-year period for the Miller family.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

#### **RE: DISCUSSION OF POSSIBLE NEW REVENUE SHARING PROJECTS**

Mr. Egertson informed the Board that at its last meeting, a decision was reached to apply for \$500,000 in Revenue Sharing funds for building the access to the Tech Center and for improvements at the intersection of Routes 229 and 685. He said that Mr. Gore, VDOT Resident Engineer, was in concurrence and the application had been submitted to

Richmond. He stated that he received notice on March 24<sup>th</sup> that VDOT had some leftover funds from the previous year and would allow the County to apply for an additional \$100,000, which would require a 50-50 match, \$100,000 from the County and \$100,000 from VDOT. He said that he and Mr. Gore felt that the two projects that had been applied for could be fully completed with \$500,000 and additional funds would not be required. He stated that the Board had the option to select another project and, if they wished to do, staff would develop another project prior to the May 9<sup>th</sup> deadline.

Mr. Walker asked if the \$100,00 could be banked for future projects, such as working with the Town on the Western Loop road. He inquired regarding the status of the road connecting Ira Hoffman Lane to Route 729. Mr. Egertson replied that the connection from Route 229 at Ira Hoffman Lane to Route 729 was a Six-Year Secondary Road project and VDOT should have it underway in the upcoming construction season.

Mrs. Hansohn pointed out that if the funds were banked, the County would still have to have a \$100,000 match in a budget that was already extremely tight.

Mr. Walker stated that it could be discussed during the budget process. Mrs. Hansohn agreed.

Mr. Egertson concurred with Mr. Walker that the Western Loop road was a project to be considered, but there were portions of it in the Town where VDOT would not spend any revenue sharing money for design and construction. He said that he had been unable to discuss this with Mr. Gore because he was out of town. He suggested that it could be included on the agenda for the Board's May meeting.

Mr. Coates stated he was not opposed to participating in the Western Loop road, but he felt the realignment of Mountain Run Lake Road and Merrimac Road deserved consideration, especially since some work was being done on the property where Mountain Run Lake Road would have to be relocated. He said it would certainly fit the ultimate plan for the County.

Mr. Egertson agreed that was a priority to be considered. He said that Mr. Coates was referring to the Comprehensive Plan which included a plan for an interchange at Route 29 between Merrimac Road and Mountain Run Lake Road that would eventually carry traffic from both of those roads.

Mr. Coates asked if the \$100,000 match had to be done in this fiscal year. Mr. Egertson stated VDOT asked that it either be paid to them by June 30<sup>th</sup> or the Board indicate in writing that funds had been committed.

Mr. Coates felt it was the consensus of the Board to have Mr. Egertson work with

VDOT and report back to the Board at the May meeting.

### **COMMITTEE REPORTS**

#### **ECONOMIC DEVELOPMENT REPORT**

Mr. Carl Sachs, Economic Development Director, reported that April 1<sup>st</sup> was one year to the day that he started working for Culpeper County. He said the past year had been challenging, and he was glad that he had come to work here.

Mr. Sachs reported that:

1. The first Business Assistance Seminar was held March 14<sup>th</sup> at the Holiday Inn, with State officials discussing business assistance on a manufacturing level in terms of workforce development and financial assistance. He noted that the participants indicated that it was very informative and would welcome additional seminars in the future. He added that he was working with the Chamber of Commerce and Culpeper Renaissance, Inc., to develop a survey to send to businesses to find out what types of information and training assistance they would like to have so that appropriate speakers could be obtained.
2. The Town Planning Commission recognized that the landscape of economic development was changing and wanted to make sure that there was a future in the community for new types of businesses that might be emerging. He said he was meeting with the Town Planning Commission on the April 3<sup>rd</sup> to talk about these issues.
3. The Economic Development Advisory Commission would like to get its strategic planning back on track, and he felt that he, Mr. Bossio, and Mr. Godfrey could possibly help guide them in developing a strategic plan. He said this was on hold until Mr. Bossio had finished with the budget process.

Mr. Chase inquired regarding the purpose of the strategic plan. Mr. Sachs replied that it provided direction for the Commission itself, what actions it should be taking, what short-term and long-term goals it should set, etc.

#### **AIRPORT ADVISORY COMMITTEE**

Mr. Bossio reported that the Airport Advisory Committee met on March 12<sup>th</sup>, and there were no action items to bring forward to the Board.

#### **ADMINISTRATOR'S REPORT**

Mr. Bossio reported that:

1. The **Budget Work session is scheduled for Thursday, April 3<sup>rd</sup>, starting at 1:00 p.m.**

#### **CLOSED SESSION**

Mr. Walker moved to enter into closed session, as permitted under the following

Virginia *Code* Sections, and for the following reasons:

1. Under Virginia *Code* §2.2-3711(A)(1), to consider: (a) resignation from the Parks & Recreation Advisory Committee; and (b) resignation from the Disability Services Board.
2. Under Virginia *Code* §2.2-3711(A)(1), to consider personnel matters regarding a specific County employee.
3. Under Virginia *Code* §2.2-3711(A)(7), to consult with the County Attorney regarding legal matters concerning specific contract negotiations and related issues which require legal advice.
4. Under Virginia *Code* §2.2-3711(A)(7), to consult with the County Attorney regarding legal matters concerning specific lease negotiations and related issues which require legal advice.
5. Under Virginia *Code* §2.2-3711(A)(7), to consult with the County Attorney regarding negotiations concerning a specific water system transaction and related issues which require legal advice.
6. Under Virginia *Code* §2.2-3711(A)(7), to consult with the County Attorney regarding a specific contract dispute and related issues which require legal advice.
7. Under Virginia *Code* §2.2-3711(A)(7), to consult with the County Attorney regarding potential new federal regulations which will impact the County and which related issues require legal advice.

Mrs. Hansohn seconded.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Nay - Chase

Motion carried 6 to 1.

The Board recessed the meeting for lunch break at 11:35 a.m.

The Board reconvened into closed session at 1:30 p.m.

The Board returned to open session at 4:45 p.m.

Mr. Coates polled the members of the Board regarding the closed session held. He asked the individual Board members to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under the Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Mr. Coates noted for the record that Mr. Chase was not present for the closed

session.

Mr. Coates called for voice vote.

Ayes – Walker, Lee, Coates, Smith, Rosenberger, Hansohn

Absent - Chase

Motion carried with 6 ayes.

**RE: RESIGNATION FROM THE PARKS & RECREATION ADVISORY COMMITTEE AND  
DISABILITY SERVICES BOARD**

Mr. Walker moved, seconded by Mrs. Smith, to regretfully accept the resignation of C. Wayne Hawkins from the Parks & Recreation Advisory Committee and the Disability Services Board and authorize advertising to fill those two positions.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Absent - Chase

Motion carried with 6 ayes.

**RE: COUNTY DRAFT OF THE ECONOMIC INCENTIVES AGREEMENT WITH LOWE'S**

Mr. Walker moved, seconded by Mrs. Hansohn, that the Board approve the major substantive provisions of Lowe's Commitments, County's Commitments, and the IDA participation in the current County draft of the Economic Incentives Agreement subject to the completion of the agreement negotiations, such completed terms to be satisfactory to the County Administrator, at which time the Chairman of the Board is authorized to execute the agreement on behalf of the Board which will ratify the executed agreement at its next meeting.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Absent - Chase

Motion carried with 6 ayes.

**RE: LEASE AGREEMENT FOR YOUTH SPORTS FIELDS**

Mr. Walker moved, seconded by Mrs. Hansohn, to authorize the County Administrator to negotiate a lease for the youth sports fields.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Absent - Chase

Motion carried with 6 ayes.

**RE: CONTRACT DISPUTE**

Mr. Walker moved, seconded by Mr. Lee, to authorize the County Attorney to proceed with the contract dispute and related issues for the Talbot-Marshall Building.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Absent - Chase

Motion carried with 6 ayes.

**ADJOURNMENT**

Mrs. Smith moved, seconded by Mrs. Hansohn, to adjourn at 4:48 p.m.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Absent - Chase

Motion carried with 6 ayes.

Peggy S. Crane, CMC  
Deputy Clerk

John F. Coates, Chairman

ATTEST:

Frank T. Bossio  
Clerk to the Board

APPROVED: May 6, 2003

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AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, APRIL 1, 2003.

**Board Members Present:** *John F. Coates, Chairman*  
*Steven L. Walker, Vice-Chairman*  
William C. Chase, Jr.  
Sue D. Hansohn  
James C. Lee  
Brad C. Rosenberger  
Carolyn S. Smith

**Staff Present:** Frank T. Bossio, County Administrator  
J. David Maddox, County Attorney

John C. Egertson, Planning Director  
Sam McLearen, Zoning Administrator  
Peggy S. Crane, Deputy Clerk

**CALL TO ORDER**

Mr. Coates, Chairman, called the meeting to order at 7:00 pm.

**CITIZEN FORUM**

Mr. Coates opened the Citizen Forum and called for comments on any item that was not on the agenda.

Mr. Aaron Greso, West Fairfax District, informed the Board that he had visited the Assessor's Office recently regarding his tax assessment. He stated that while he was there he learned that the most frequently asked question by those calling pertained to the tax rates in the County. He said that he decided that the large growth the County was experiencing was due to its low tax rates and suggested that, if it were legally possible, the County should impose higher tax rates on individuals moving into the County in order to slow the growth.

With no further comments, Mr. Coates closed the public hearing.

**RE: AGENDA ADDITIONS AND/OR DELETIONS**

Mr. Lee moved, seconded by Mr. Walker, to approve the agenda as presented.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

**UNFINISHED PLANNING COMMISSION BUSINESS**

**CASE NO. U-1097-02-1.** Request by W&W Holding for approval of an existing structures use permit to allow the establishment of a self-storage facility. The property is located on Route 652 in the Cedar Mountain Magisterial District and contains 2.0 acres. Tax Map/Parcel No. 62/49A.

Mr. John Egertson, Planning Director, displayed a tax map that highlighted the property being considered. He said that the applicant was seeking a use permit to convert the former Mitchells Post Office into mini-storage units. He pointed out that the structure qualified for an existing structures use permit because it predated the County's zoning. He noted that there had been some opposition to the case, and the Planning Commission had recommended that it be denied. However, the Board, after discussion at its March meeting, postponed the case and asked staff to develop some conditions that might help to mitigate any potential impact of the request.

Mr. Egertson reported that he had supplied the Board with a copy of five proposed conditions as follows:



1. The use of the building shall be restricted to mini-storage units and associated office space. Outdoor storage of contractor's equipment, heavy equipment, commercial vehicles and the like is prohibited. All other outdoor storage is prohibited except within a fully enclosed area, screened with a solid wooden fence supplemented with landscape screen plantings. This enclosed area shall be restricted to the side and rear yards of the property.
2. The existing building shall not be expanded by more than 30%. Renovation of the existing structure is permitted.
3. The facility shall not be open for access by renters between the hours of 9:30 p.m. and 6:30 a.m.
4. A site plan in accordance with Article 20 shall be submitted and approved. In addition, all materials required to comply with Article 30, Entrance Corridor Overlay District, shall also be submitted and approved. Compliance with Articles 20 and 30 must be achieved prior to issuance of any building permit and prior to commencement of any operation of the facility.
5. This use permit shall be valid for a period of five (5) years.

Mr. Egertson informed the Board that he had discussed the conditions with the applicant, and he agreed with them with the exception of condition #5. He said that the applicant had expressed concerns about the large investment in the project in light of the limited time period imposed.

Mr. Egertson stated that staff recommended approval with these five conditions, and it was ready for the Board's consideration. He called the Board's attention to the fact that the public hearing for the case had been opened and closed at the March meeting and any further public comments would be at the Board's discretion.

Mr. Chase stated that he did not see the need for condition #5. He said if the first four conditions were binding, then the use permit should be null and void if the applicant broke any of the conditions. Mr. Egertson stated that he agreed, but he would defer to the County Attorney regarding the revocation of the use permit.

Mr. Maddox stated that if a use permit was subject to certain conditions and those conditions were violated, the use permit should be revoked. He said appropriate steps would need to be taken but any violation would render the permit invalid.

Mr. Walker pointed out that the fifth condition would provide staff with an opportunity to revisit the issue in five years and provide a forum for the public to address any problems that may have developed. Mr. Egertson agreed and pointed out that the public could refer any problem to his office at any time, but a five-year review would also provide an

opportunity to impose additional conditions if appropriate, as well as flag any significant change in the character of the area during that period.

Mrs. Hansohn inquired whether the use permit would be null and void if the property were sold. Mr. Egertson replied that the use permit ran with the property and not with the owner, and it could be transferred and remain valid as long as it was not out of use for over two years.

Mr. Chase asked about the zoning of the property. Mr. Egertson stated that the property was currently zoned Rural Area (RA), and it had never been zoned Commercial even though it had been an antique shop and a post office.

Mr. Coates asked if the members of the Board whether they would like to have another public hearing on this particular matter.

Mrs. Smith stated that if the Board was going to change any of the stipulations, the meeting should be open for public comments again; but if they were the same, she did not see the need for a public hearing.

Mr. Lee stated that he voted last month to uphold the Planning Commission's recommendation to deny the use of the property for this purpose, but he felt that these conditions seemed to be a compromise between the owner and those in the surrounding area. He pointed out that the five-year condition did not concern him because the use permit could be renewed if the applicant abided by the other conditions and there were no problems.

Mr. Lee moved, seconded by Mrs. Hansohn, to adopt the resolution to approve the use permit with the stated conditions.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

**ADDITION TO THE BRANDY STATION AGRICULTURAL AND FORESTAL DISTRICT.**

Request by the Civil War Preservation Trust to add 829.28 acres to the Brandy Station Agricultural and Forestal District. The property is located on Routes 676 and 677 in the Stevensburg Magisterial District. Tax Map/ Parcel Nos. 24/3 and 3A, 33/82A and 34/1.

Mr. Sam McLearen, Zoning Administration, informed the Board that the case had been withdrawn.

No action required.

**NEW PLANNING COMMISSION BUSINESS**

**JEFFERSONTON VILLAGE, LLC – 11 LOT SUBDIVISION.** Request by Jeffersonton

Village, LLC for approval of an 11-lot subdivision. The property is located on Routes 621 and 802 in the Jefferson Magisterial District and contains 24.939 acres. Tax Map/Parcel No. 7/76.

Mr. McLearen informed the Board that the case had been considered by the Planning Commission and a public hearing was held. He said the Planning Commission found the subdivision to be in compliance with the Subdivision Ordinance. The Planning Commission was recommending to the Board of Supervisors that this subdivision be approved.

Mr. Egertson displayed a preliminary plan of the proposed subdivision and stated that it had been approved by the Soil and Water Conservation District, VDOT, and the Health Department. He noted that the name of the development at been change to "The Fields at Jeffersonton" at the request of interested citizens in the area. He said that staff recommended approval, and it was ready for the Board's consideration.

Mr. Walker noted that staff had recommended that the cemetery easement of five feet be changed to ten feet to allow maintenance equipment to come in/out. Mr. Egertson stated that after discussing it further with the applicant and the Commission, it was determined that five feet would be sufficient since it was a small cemetery and had no need for heavy mowing equipment.

Mr. Walker asked about the issue regarding two minor division lots not being included in the request. Mr. Egertson stated that issue had been resolved.

Mr. Aubrey Rozell, representing The Fields at Jeffersonton Subdivision, stated that the name had been changed at the request of the neighbors. He said he would be glad to answer any questions.

Mr. Coates opened the public hearing and called for public comments.

Mr. Perry Cabot, Jefferson District, stated that he was representing Concerned Culpeper Citizens, and they did not object to the request. He spoke at length regarding the need to change the zoning of the area since the Village Center had been moved and the area designated as a Cultural Center. He also addressed concerns that the historic resources of the County needed to be protected and urged the Board to consider an historic overlay district for this area.

With no further comments, Mr. Coates closed the public hearing.

Mr. Rosenberger thanked the applicant for yielding on the name that was first selected. He reminded the Board that he had spoken on several occasions regarding rezoning the area since the Comprehensive Plan amendment moved the Village Center to Clevenger's Corner.

Mr. Rosenberger moved, seconded by Mr. Walker, to accept the Planning Commission's recommendation to approve the application.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

**CASE NO. U - 1099-03-1.** Request by Leroy and Patricia Tayman for approval of a use permit to allow a family day home. The property is located on Route 633 in the Salem Magisterial District and contains 1.96 acres. Tax Map/Parcel No. 38/10E.

Mr. McLearen informed the Board that the case had been considered by the Planning Commission and a public hearing was held. He said the Planning Commission was recommending to the Board of Supervisors that the use permit be approved as consistent with Article 17 and Article 9-1-9 of the Zoning Ordinance with the following conditions:

1. The total number of children to attend this facility at any given time shall be limited to twelve (12), in accordance with Article 9, Section 9-1-9, of the Zoning Ordinance.
2. Operation shall be strictly limited to Monday – Friday only.
3. A commercial entrance permit must be obtained as required by VDOT and installed accordingly.
4. This permit shall be valid for a three (3) year period.

Mr. Egertson displayed a tax map highlighting the location of the property. He explained that the local Code had been amended in 1994 to parallel the State Code which mandated that all counties include provisions for family day homes. He said that the State Code mandated up to five children was a by-right use, in addition to a caregiver's own children; from five to 12 children by an administrative process required by the State Code; and if that administrative process was exhausted and approval was not given, it could come forward to the next level. He stated there were some reservations among the Planning staff, and it had been referred to the Planning Commission and to the Board. He said that the Planning Commission had recommended approval with the conditions stated. He stated that staff was in concurrence with the Planning Commission's recommendation, and it was ready for the Board's consideration.

Mrs. Smith asked for an explanation on why some use permits were for three years and others for five years. Mr. Egertson explained that it was a discretionary decision, and they usually are recommended for five years, particularly if there was a significant investment involved. He pointed out that in this case there were not a lot of changes made in the residence, and it afforded them the opportunity to set the time at three years in order

that staff could revisit it and determine that everything was running as expected.

Mr. Leroy Tayman, applicant, informed the Board that he and his wife had extensive education and experience in the child care industry and provided detailed information. He also stated that he had served on the Governor's Council in 1993 that made recommendations regarding licensing day care or home child care centers. He said he had worked hard to ensure that criminal background checks were required for every child care provider in Virginia. He spoke at length regarding the condition for a commercial entrance, especially since he would not be operating a commercial business. He said that he visited VDOT and learned they would require him to have a 50-foot wide driveway. He said that a commercial paver would charge \$4,700 to pave that amount of driveway. He said that the neighbors did not want his home to look like a commercial business. He mentioned that he had called the Department of Social Services Regional Director in Warrenton and learned that there were 345 home day care centers in the nine-county area and not one was recognized as a commercial business. He also addressed his concern regarding a three-year period for the use permit and felt it was unreasonable and unnecessary. He pointed out that he was subject to announced and unannounced inspections from the Health Department and, if he did not meet the conditions of the State, he would be forced to close. He asked that the Board reconsider the conditions for the commercial entrance and for the three-year limit on the use permit.

Mrs. Hansohn asked what the width of his driveway was at the present time. Mr. Tayman replied that his driveway was 40 feet wide at the road edge and extended 18 feet on his property.

Mrs. Hansohn asked about the number of cars coming in and out. Mr. Tayman replied that he had 12 children, and their parents brought them from 5:30 a.m. until 9:00 a.m., but did not arrive at the same time. He said that pick ups in the afternoon were sporadic from 3:00 p.m. to 6:00 p.m. He noted that one of the neighbors had complained about additional traffic on the road, and he asked the County Sheriff's Department to survey the traffic. He found that there were 794 cars on that road during a 24 hour period, mostly residents going to and coming from work.

Mr. Coates opened the public hearing and called for public comments.

Ms. Bonnie Vermillion, Salem District, stated she was the Taymans' neighbor and she endorsed their request. She expressed her concern regarding a commercial entrance because it would be visible from her property.

Ms. Darlene Thornhill, Salem District, stated that she lived two houses up from the

Taymans'. She explained that she had an interest in their day care because the young boy she cared for attended their preschool in the morning and she picked him up in the afternoons. She gave a glowing report on the center and its educational environment. She supported the use permit, but asked that the Board reconsider the condition for a commercial entrance because of the effect it would have on their residential neighborhood. She said she seldom observed two vehicles coming in or out at the same time and noted that there was ample parking at the top of the driveway to enable the vehicles to turn around.

Ms. Karen Kowalski stated that she lived in Rixeyville and her four-year-old daughter attended the Taymans' school. She stated it was a wonderful teaching environment, with small class sizes. She indicated that she had not noted a problem with traffic and stated there was sufficient room to pull to the side if another vehicle did approach. She said she did not understand the need for a commercial entrance since she noted there was a day care center on Route 229, next to Little Fork Fire Department, that advertised day care but had a regular graveled entrance.

With no further comments, Mr. Coates closed the public hearing.

Mr. Coates stated that he was aware of the concern regarding the condition for a commercial entrance as required by VDOT. He pointed out that the Board looked to VDOT for guidance, but admitted that it appeared to be "overkill" because a regular size car would only require an 18-foot radius. He stated that if the Board supported the use permit, he would direct staff to ask VDOT to reconsider.

Both Mr. Chase and Mrs. Hansohn questioned why VDOT was requiring a commercial entrance. Mr. Egertson stated that VDOT commented that they thought a commercial entrance would be required and that was the reason the condition was inserted. He noted that the original version of this condition stated that a commercial entrance was required, but that language was changed at the Planning Commission level to say that a commercial entrance permit must be obtained as required by VDOT. He said that the Planning Commission intended for the condition to be flexible in the event that VDOT would be willing to grant an entrance permit without a commercial entrance. He pointed out that the Board was under no obligation to follow VDOT's recommendation. He added that staff noted that traffic would be of minimal impact at this site, and the definition of a family day home specifically specified that it should be set up in such a manner that it would not impact the residential character of the area.

Mrs. Smith moved, seconded by Mr. Walker, to approve the request, omitting condition #3 requiring a commercial entrance.

Mrs. Smith stated that her grandchildren attended a school where the applicant was in charge, and she appreciated the quality of education provided to them. She said that she endorsed this request 100 percent and was always in favor of making good day care available in the community.

Mrs. Hansohn agreed with Mrs. Smith on the need for good day care. She said that she drove Route 633 frequently and felt that a commercial entrance would destroy the character of the neighborhood.

Mr. Chase suggested that VDOT be requested to erect two signs along the lines of "Slow Down – Children at Play" which would be more attractive than a 120 foot entrance into a house. Mr. Egertson stated he would be happy to make that request.

Mr. Chase suggested that the time limit on the use permit be set at five years instead of three.

Mrs. Smith amended her motion to include changing condition #4 to have a five-year use permit, instead of three. Mr. Walker agreed to the amended motion.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

**CASE NO. U - 2000-03-1.** Request by Margaret O' Halloran for approval of a use permit to allow the construction of a tenant unit. The property is located off Route 626 in the Catalpa Magisterial District and contains 123.91 acres. Tax Map/Parcel No. 12/66.

Mr. McLearen informed the Board that the case had been considered by the Planning Commission and a public hearing was held. He said the Planning Commission was recommending to the Board of Supervisors that this use permit be approved.

Mr. Egertson displayed a tax map highlighting the location of the property. He said the use permit would allow a second dwelling on a single parcel for a family member and noted that it could be easily accommodated on a parcel of this size.

Mr. Tommy O'Halloran, representing his mother, informed the Board that the house would be a one-bedroom, one bath dwelling to be occupied by his son.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mrs. Hansohn moved, seconded by Mrs. Smith, to accept the Planning Commission's recommendation to approve the use permit.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

**ASHMEADE VILLAGE – 12 LOT SUBDIVISION.** Request by Greengael, LLC for approval of a 12-lot subdivision. The property is located on Route 720 in the Cedar Mountain Magisterial District and contains 95.737 acres. Tax Map/Parcel No. 50/35D.

Mr. McLearen informed the Board that he had a letter dated March 14<sup>th</sup> from Mark A. Moorstein, attorney for the applicant, asking for a deferral of the hearing from April 1<sup>st</sup> to the next meeting of the Board in order to address a few minor concerns raised by staff. The applicant also stated that there were a number of legal issues surrounding the approval/denial of a subdivision application because of water and sewer, and added that a deferral should provide adequate time to clarify these matters prior to the May meeting.

Mr. Egertson stated that staff did not object to the request to postpone the case for 30 days.

Mr. Jim Carson, Carson, Harris & Associates LLC, representing the applicant, explained that additional time was needed to address the concerns set forth in the March 14<sup>th</sup> letter. He stated that most of the concerns had been resolved, but they had not had an opportunity to discuss them with staff.

Mr. Coates opened the public hearing and called for public comments.

Mr. Mark Moorstein, attorney for the applicant, stated that he had requested a 30-day deferral to address the major issue regarding the extension of water and sewer. He said he felt it was something that could be resolved and be a benefit not only to Greengael, but to the entire County.

With no further public comments, Mr. Coates closed the public hearing.

Mr. Lee moved, seconded by Mrs. Hansohn, to postpone the request for 30 days until the next Board meeting.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

**CASE NO. Z- 338-03-2.** Request by Lowe's Home Center, Inc. to amend existing proffers associated with Case No. Z-338-96-1. This amendment would allow a secondary entrance along Route 15/29 Business not otherwise permitted by current proffers. The property is located on Route 15/29 Business in the Stevensburg Magisterial District and contains 90.02 acres. Tax Map/Parcel No. 41/71.

Mr. McLearen informed that Board that the case had been considered by the Planning Commission and a public hearing was held. He said the Planning Commission was



recommending to the Board of Supervisors that this proffer amendment be approved.

Mr. Egertson displayed a tax map that highlighted the location of the property. He said that Lowe's was requesting an amendment to the proffers that would allow them a secondary entrance into the property. The current proffers allowed only one entrance on Route 15/29 Business for the entire development to be located directly across from Montanus Drive. He said that Lowe's would like to have a secondary entrance at the far western corner of the property, a right-in/right-out entrance, and it was clearly noted that the proffers at this entrance would be considered a temporary type access. The discussions with VDOT in looking at this proffer amendment led to the understanding by all parties that at the time Route 15/29 Business was four-laned, there would be a full movement, crossover just west of this property and when that crossover was installed and an entrance put in place, Lowe's would tie into that and close the temporary right-in/right-out entrance. He stated that it was his hope that this right-in/right-out entrance might not be necessary, but for Lowe's to move forward on its project, they need the comfort level for its traffic flow and truck traffic that they could build this second entrance should they need it. He said for staff would recommend approval for that reason, and it was ready for the Board's consideration.

Mr. Coates pointed out that if the Board supported the request, it must be marked as a temporary entrance. Mr. Egertson stated that the proffer indicates that it would be an interim secondary access and at the time of four-laning of Route 15/29 Business it would be closed.

Mr. Coates expressed his concern that the temporary entrance would not align with the Co-op entrance and would require the adjacent property owner's approval. Mr. Egertson agreed that the right-in/right-out entrance would not align with the Co-op's, but would when Route 15/29 was four-laned.

Ms. Valerie Long, representing the applicant, introduced Mr. Peter L. Rotelli, Lowe's Home Center Projects Engineer and Project Manager; and Mr. David Nemeck, Project Engineer at Bohler Engineering. She stated that Mr. Egertson summarized the issues, and she would not elaborate. She advised Mr. Coates that Lowe's was aware they would need to work with the adjacent landowner, and she assured him that the entrance would be an interim access until the road was four-laned, at which time the entrance would be closed and relocated so that it would align with full-service crossover.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mrs. Hansohn, that the proffer amendment be

approved.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

Mr. Coates stated that before the meeting was adjourned, there was an question posed earlier to the County Attorney.

Mr. Maddox stated that the question earlier was whether May 1 was the cutoff day for the budget to be adopted. He said that May 1 was the cutoff date for the School Budget, but the County budget did not have to be adopted until the end of the Fiscal Year. He noted that last year both budgets were adopted at the same time.

**ADJOURNMENT**

Mrs. Hansohn moved, seconded by Mrs. Smith, to adjourn at 8:05 p.m.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

Peggy S. Crane, CMC  
Deputy Clerk

John F. Coates, Chairman

ATTEST:

Frank T. Bossio  
Clerk to the Board

APPROVED: May 6, 2003